

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II)
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44bis.3(c) and 72.2)

To:

EINGEGANGEN

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Erl. AB.....

Date of mailing (day/month/year)
05 October 2006 (05.10.2006)

Applicant's or agent's file reference
A.PI.0262.WO

IMPORTANT NOTIFICATION

International application No.
PCT/EP2004/011047

International filing date (day/month/year)
04 October 2004 (04.10.2004)

Applicant

PIERBURG GMBH et al

1. Transmittal of the translation to the applicant.

- The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).
- The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

KR

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

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TRANSLATION PATENT COOPERATION TREATY
PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
 (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference A.PI.0262.WO	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/011047	International filing date (day/month/year) 04.10.2004	Priority date (day/month/year) 07.10.2003
International Patent Classification (IPC) or national classification and IPC F16H57/02		
Applicant PIERBURG GMBH		

<ol style="list-style-type: none"> 1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. 2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet. 3. This report is also accompanied by ANNEXES, comprising: <ol style="list-style-type: none"> a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>1</u> sheets, as follows: <table border="0" style="width: 100%;"> <tr> <td style="width: 15px;"><input checked="" type="checkbox"/></td> <td style="width: 85%;">sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</td> </tr> <tr> <td><input type="checkbox"/></td> <td>sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</td> </tr> </table> b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions). 	<input checked="" type="checkbox"/>	sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).	<input type="checkbox"/>	sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.												
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<ol style="list-style-type: none"> 4. This report contains indications relating to the following items: <table border="0" style="width: 100%;"> <tr> <td style="width: 15px;"><input checked="" type="checkbox"/></td> <td style="width: 85%;">Box No. I Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII Certain observations on the international application</td> </tr> </table> 	<input checked="" type="checkbox"/>	Box No. I Basis of the report	<input type="checkbox"/>	Box No. II Priority	<input type="checkbox"/>	Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI Certain documents cited	<input type="checkbox"/>	Box No. VII Certain defects in the international application	<input type="checkbox"/>	Box No. VIII Certain observations on the international application
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Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/011047

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
- international search (Rule 12.3 and 23.1(b))
 - publication of the international application (Rule 12.4)
 - international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):
- the international application as originally filed/furnished
 the description:
 pages 1-6 as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____
- the claims:
 nos. 2, 3 as originally filed/furnished
 nos.* _____ as amended (together with any statement) under Article 19
24.03.2005 with letter
 nos.* 1 received by this Authority on of 18.03.2005
 nos.* _____ received by this Authority on _____
- the drawings:
 sheets 1/1 as originally filed/furnished
 sheets* _____ received by this Authority on _____
 sheets* _____ received by this Authority on _____
- a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. The amendments have resulted in the cancellation of:
- the description, pages _____
 - the claims, nos. _____
 - the drawings, sheets/figs _____
 - the sequence listing (specify): _____
 - any table(s) related to sequence listing (specify): _____
4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- the description, pages _____
 - the claims, nos. _____
 - the drawings, sheets/figs _____
 - the sequence listing (specify): _____
 - any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/011047

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1–3</u>	YES
	Claims _____	NO
Inventive step (IS)	Claims <u>1–3</u>	YES
	Claims _____	NO
Industrial applicability (IA)	Claims <u>1–3</u>	YES
	Claims _____	NO

2. Citations and explanations (Rule 70.7)

Reference is made to the following documents:

- D1: DE 100 47 308 A
 D2: DE 43 24 876 A
 D3: EP-A-0 428 895

1. Novelty of independent claim 1

Document D1, which is cited by the applicant and is considered to be the closest prior art, shows and describes the following (the references in parentheses are to D1):

Actuator device (paragraph 10) having a drive unit with an electric motor (60) which is mounted in a housing (12) and drives a drive shaft (20), and having a gearing unit (containing 32 and 34) which has a drive gear that is at least rotationally fixed to the drive shaft (the pinion on drive shaft 20) and meshes with at least one planet gear in first gear stage (32 and the pinion in figure 1), the planet gear being a double gear (32 and 34 are a single piece in figure 1) which is rotatably and non-slidingly mounted on a spindle (16) (figure 1); the drive gear drives the larger part of the double gear (figure 1), and the smaller part of the double gear,

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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which faces towards the output side, meshes with an internally toothed ring gear or ring gear segment (40) (figure 1) which is at least rotationally fixed to an output shaft (22) in a second gear stage (figure 1), so that the output shaft can be driven by both gear stages (figure 1); a cover (10) is secured to the housing (figure 1) to seal the drive unit and the gearing unit against the outside (figure 1).

The subject matter of claim 1 differs from the known actuator device in that the cover is designed so that the bearing arrangement for the outwardly facing drive shaft is on one side and is in the cover.

The subject matter of claim 1 is therefore novel (PCT Article 33(2)).

2. Inventive step in independent claim 1

The problem addressed by the present invention can thus be seen as that of designing an actuator device that has fewer components and is easier to install.

The solution proposed in claim 1 of the application involves an inventive step (PCT Article 33(3)) because the combination of features in claim 1 does not appear to be either known from or suggested by the prior art.

3. Industrial applicability

The subject matter of claim 1 also appears to meet the requirement of PCT Article 33(4) because it seems that it can be made and used at least in the field of drive system engineering.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/011047

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

4. Dependent claims

Dependent claims 2 and 3 relate to other embodiments of the invention according to claim 1 and also appear to meet the requirements of PCT Article 33(2) to (4).

5. Observation

The term "the bearing (28)" in the characterising part of claim 1 is unclear (PCT Article 6) because there is no prior reference to a bearing (28).

The preamble of claim 1 does not include all the features which are known from the prior art (PCT Rule 6.3(b)).